

REMARKS

Claims 1-3 are amended and pending. By this amendment, claims 1 and 3 are amended.

The Office Action rejects claims 1-3 under 35 U.S.C. 102(b) over Masnaghetti et al. This rejection is respectfully traversed.

Masnaghetti discloses to utilize another landing energy to increase the negative electric charge in order to cancel the charge generated by the first landing energy. The first landing energy is used for generating an image, and after that, in a setup phase, the charge is canceled by another landing energy.

However, in Masnaghetti, there is not a description that the landing energy is adjusted so as to generate the charge on the sample surface at first, and the observation of the sample is performed by using the electron beam in which the secondary electron generation efficiency thereof is closer to 1.0 than that of the beam forming the charge, and the charge on the sample surface is maintained.

Furthermore, in Masnaghetti, the sample is observed by using the beam which generates the charge, and in order to cancel the charge, the setup phase is provided.

On the contrary, in the present invention, the sample is irradiated by using the electron beam used for forming the charge at first, and after generating the charge, the electron beam used for observing the sample is irradiated. The electron beam used for observing the sample is capable of making the charge condition on the sample surface stable, because the secondary electron generation efficiency thereof is close to 1.0.

In Masnaghetti, as the charge status is easily changeable, the image phase and the setup phase should be performed repeatedly. In the present invention, the observation is performed

continuously in a stable charge condition because the electron beam having the secondary electron generation efficiency being close to 1.0 is used so as to make the charge stable after generating the charge.

In this way, in Masnaghetti, there is not shown an idea to make the charge condition stable by using the electron beam used for observing the sample. Therefore, the claims are not anticipated by Masnaghetti. Withdrawal of the rejection is requested.

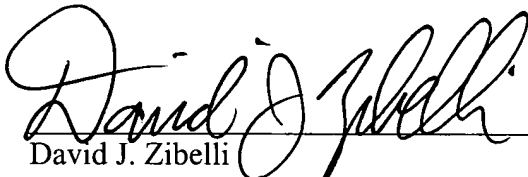
In view of the above, this application is now in condition for allowance, prompt notice of which is respectfully solicited.

The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

The Office is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600..

Respectfully submitted,

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